

Impressions Salon, Inc. et al v. National Milk Producers Federation, Case No. 13-cv-00454-NJR-GCS (S.D. Ill.). Previously, I have executed several declarations in this case regarding notice. In the “*Declaration of Cameron R. Azari, Esq. on Notice Plan and Notices*” dated April 30, 2018, I detailed Hilsoft’s class action notice experience and attached Hilsoft Notifications’ curriculum vitae. I also provided my educational and professional experience relating to class actions and my ability to render opinions on the overall adequacy of notice programs. Subsequently, in my *Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Plan and Notices* dated August 29, 2018, I detailed the successful completion of the Class Certification notice effort. Most recently, in the “*Declaration of Cameron Azari*” dated January 18, 2019, I confirmed that notices had been sent to 12 specific entities.

5. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Hilsoft and Epiq.

OVERVIEW

6. The Court previously certified the following two sub-classes:

- (1) All persons and entities in the United States that purchased butter directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013; and
- (2) All persons and entities in the United States that purchased cheese directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013.

7. I have reviewed the Settlement Agreement and understand the Class definition is proposed to be updated to the following:

All persons and entities in the United States that purchased butter directly from one or more Members of Defendant, Cooperatives Working Together, and/or their subsidiaries during the period from December 6, 2008 to July 31, 2013 who did not timely opt-out of the Class pursuant to the Class Notice approved by the Court in its order dated May 8, 2018 and transmitted to the Class on May 31, 2018 (hereinafter referred to as “Butter Sub-Class”);

and

All persons and entities in the United States that purchased cheese directly from one or more Members of Defendant, Cooperatives Working Together, and/or their subsidiaries during the period from December 6, 2008 to July 31, 2013 who did not timely opt-out of the Class pursuant to the Class Notice approved by the Court in its order dated May 8, 2018 and transmitted to the Class on May 31, 2018 (hereinafter referred to as “Cheese Sub-Class”).

8. I further understand that the relevant Members of Defendant Cooperatives Working

Together include the following:

Agri-Mark, Inc.	Humboldt Creamery Association
Arkansas Dairy Cooperative Association	Jefferson Bulk Milk Cooperative, Inc.
Associated Milk Producers Inc.	Just Jersey Cooperative, Inc.
Bongards Creameries	Land O'Lakes, Inc.
Burke Milk Producers Cooperative, Inc.	Lone Star Milk Producers
California Dairies Inc.	Lowville Producers Dairy Cooperative
Cass-Clay Creamery Inc.	Magic Valley Quality Milk Producers, Inc.
Champlain Milk Producers Cooperative	Manitowoc Milk Producers Cooperative
Conesus Milk Producers Cooperative Association, Inc.	Maryland & Virginia Milk Producers Cooperative Association
Continental Dairy Products, Inc.	Massachusetts Coop. Milk Producers Fed. Inc.
Cooperative Milk Producers Association, Inc.	Michigan Milk Producers Association
Cortland Bulk Milk Producers Cooperative	Mid-West Dairyman's Co.
Dairy Farmers of America	Mount Joy Farmers Cooperative Association
Dairylea Cooperative Inc.	National Farmers Organization
Dairymen's Marketing Cooperative Inc.	North Lawrence Producers Cooperative, Inc.
Ellsworth Cooperative Creamery	Northwest Dairy Association (Darigold)
Empire Keystone Cooperative	Oneida-Madison Milk Producers Cooperative
Farmers Cooperative Creamery	Prairie Farms Dairy
First District Cooperative Association	Preble Cooperative, River Valley Milk Producers Inc.
Foremost Farms USA	

Schoharie County Cooperative Dairies
Seaway Bulk Milk Producers Cooperative, Inc.
Security Milk Producers Association
Select Milk Producers, Inc.
Snake River Dairymen's Association
South New Berlin Milk Cooperative, Inc.
Southeast Milk, Inc.
St. Albans Cooperative Creamery, Inc.

Swiss Valley Farms, Co.
Tillamook County Creamery Association
United Dairy Cooperative Services, Inc.
United Dairymen of Arizona
Upstate Niagara Cooperative, Inc.
Utah Dairy Farmers Cooperative
Western Tier Milk Producers Cooperative
Zia Milk Producers Inc.

NOTICE PLAN DETAIL

9. Rule 23 directs that the best notice practicable under the circumstances must include “individual notice to all members who can be identified through reasonable effort.”¹ The previous Class Certification notice effort and the proposed Settlement notice effort here satisfy this direction. For any Class Members who were identified from records obtained from the relevant CWT members, including Defendants, notice was sent by first class mail for the Class Certification notice effort. The Settlement Notice will be mailed by first class mail to the same Class Members as the Class Certification notice effort (even if the notice was previously returned as undeliverable), unless the business or individual has opted out of the Class. Address updating (both prior to mailing and on undeliverable pieces) and re-mailing protocols will meet or exceed those used in other class actions. To the extent, Epiq has Class Member email addresses, a summary notice will be sent by email.

10. In addition to individual notice, modeled after the Class Certification notice effort, media notice will be provided. We have analyzed the top trade media serving the industries most likely to have directly purchased cheese and/or butter. Media notice will be provided via print and online to these industries for the Settlement notice effort as it was for the Class Certification notice effort. Additionally, to cover the instances where Defendants have sold cheese and/or butter made by a CWT

¹ FRCP 23(c)(2)(B).

member directly to consumers through company stores, local media will be purchased again for the Settlement Notice effort.

Individual Notice – Mailed Notice

11. For the Class Certification notice effort, Epiq received a total of 14,912 data records from the Defendants. The majority of the records contained both a Bill-To Address and a Ship-To Address, which were translated into separate records when different, for a total of 21,116 records. After invalid records were removed, Epiq identified 14,121 records, which were sent an initial postcard notice mailing. For the Settlement notice effort, Epiq will mail a Detailed Notice via United States Postal Service (“USPS”) first class mail to all the same Class Members as the Class Certification notice effort (even if the notice was previously returned as undeliverable), unless the business or individual has opted out of the Class.

12. The Detailed Notice will prominently feature the case website address. By accessing the website, recipients will be able to easily access the Settlement Agreement, Complaint, a list of Frequently Asked Questions and other information about the lawsuit. Visitors to the website are also able to register to be sent a claim form following Court approval of a Plan of Distribution. A copy of the proposed Detailed Notice is included as **Attachment 1**.

13. Prior to mailing, all mailing addresses will be checked against the National Change of Address (“NCOA”) database maintained by the United States Postal Service (“USPS”).² In addition, the addresses will be certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the

² The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and known address.

addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

14. The return address on the Notices will be the existing post office box maintained by Epiq for the case. Notices returned as undeliverable will be re-mailed to any new address available through postal service information, for example, to the address provided by the postal service on returned pieces for which the automatic forwarding order has expired, but which is still during the period in which the postal service returns the piece with the address indicated, or to better addresses that may be found after reasonable, additional third-party source lookups. Upon successfully locating better addresses, Notices will be promptly re-mailed on an ongoing basis.

15. Additionally, a Detailed Notice will be mailed via USPS first class mail to all persons who requested one via the toll-free phone number.

Individual Notice – Emailed Notice

16. It is my understanding that email addresses exist for some Class Member records. A summary Email Notice will be disseminated to all potential Class Members for whom a facially valid email address is available. The Email Notice will be created using an embedded html text format. This format will provide easy-to-read text without graphics, tables, images and other elements that would increase the likelihood that the message could be blocked by Internet Service Providers (ISPs) and/or SPAM filters. Each Email Notice will be transmitted with a unique message identifier. If the receiving email server cannot deliver the message, a “bounce code” will be returned along with the unique message identifier. For any Email Notice for which a bounce code is received indicating that the message was undeliverable, at least two additional attempts will be made to deliver the Notice by email.

17. The Email Notice will include an embedded link to the case website. By clicking the link, recipients will be able to easily access the Detailed Notice, Settlement Agreement and other information about the settlement. The proposed summary Email Notice is included as **Attachment 2**.

Media Notice Plan

18. A Trade Publication Notice will appear once as a 1/2 page ad unit in eleven selected publications targeted to businesses and industries that are likely to have purchased butter or cheese directly. The trade publications include *Cheese Market News*, *Cheese Reporter*, *Convenience Store News*, *Dairy Foods*, *Food Processing*, *Frozen & Refrigerated Buyer*, *Grocery Business*, *Prepared Foods*, *Progressive Grocer*, *Restaurant Business* and *Supermarket News*. These selected publications will reach business owners and employees specializing in the grocery, food preparation and restaurant industries. Together, these selected eleven publications have a combined circulation of 444,130. The proposed Trade Publication Notice is included as **Attachment 3**.

19. To further the reach of the Notice Plan to potential Class Members, Internet Banner Notices in multiple sizes will be placed on the associated websites of each of the eleven trade publications listed above. Combined, approximately 211,350 impressions will be generated by the Internet Banner Notice. The Banner Notices will run for 30 days on each associated website. Clicking on the Banner Notice will link the reader to the case website where they can obtain information about the lawsuit. Examples of the proposed Banner Notices are included as **Attachment 4**.

20. In order to cover potential Class Members who may have purchased directly from a local Member of Defendant Cooperatives Working Together store, local newspaper and online media will be purchased in the local area surrounding each store. The Local Newspaper Notice will run as an 1/4 page ad unit once in a daily and once in a Sunday edition (where available) or in two consecutive

weekly editions in local newspapers like the following: *Amery Free Press*, *Appleton Post-Crescent*, *Arizona Republic*, *Chippewa Herald*, *Darlington Republican Journal*, *Eau Claire Leader-Telegram*, *Faribault Daily News*, *Fayette County Union*, *Ithaca Journal*, *Kiel Tri-County News*, *Marshfield News-Herald*, *Milwaukee Journal Sentinel*, *New Ulm Journal*, *Oneida Daily Dispatch*, *Perham Focus*, *Portage Daily Register*, *Potter County News*, *Reedsburg Times-Press*, *Richland Observer*, *Rochester Post-Bulletin*, *Sioux City Journal*, *Sioux Falls Argus Leader*, *St. Albans Messenger*, *St. Cloud Times*, *St. Paul Pioneer Press*, *Tillamook Headlight Herald*, *Vermont World*, *Waconia Pioneer*, *Watertown Daily Times*, and *West Lebanon Valley News*. The Local Newspaper Notice will include a modified headline to specifically address Class Members who are consumer purchasers (“If you bought butter or cheese directly from a local dairy co-op store between December 6, 2008 and July 31, 2013, you could receive a payment from a class action settlement.”). The proposed Local Newspaper Notice is included as **Attachment 5**. The local online Banner Notices will run on the associated local newspaper websites, or where an affiliated website does not exist, on another appropriate news-related, local website. The local Banner Notices will run for a period of 30 days.

Sponsored Search Listings

21. To facilitate locating the case website, sponsored search listings will be acquired on the three most highly-visited Internet search engines: *Google*, *Yahoo!* and *Bing*. When search engine visitors search on common keyword combinations such as “Cheese Class Action,” “Dairy Antitrust,” or “Cooperatives Working Together Lawsuit” the sponsored search listing will display either at the top of the page prior to the search results or in the upper right hand column.

Informational Release

22. To build additional reach and extend exposures, a party-neutral Informational Release will be issued to approximately 5,000 general media (print and broadcast) outlets and 4,500 online databases and websites throughout the United States. The Informational Release will serve a valuable role by providing additional notice exposures beyond that which will be provided by the paid media. The Informational Release will include the toll free number and case website address.

23. Additionally, an Informational Release will be issued to PR Newswire's "Food Industry" Microlist and "Restaurants" Microlist, which includes 182 food focused media outlets and 541 restaurant focused media outlets respectively.

Case Website

24. The existing neutral, informational case website, with an easy to remember domain name (www.ButterAndCheeseClassAction.com), which was established as part of the Class Certification notice effort, will be updated with information regarding the Settlement. The case website will continue to allow potential Class Members to obtain additional information and documents including the Detailed Notice, Settlement Agreement, Preliminary Approval Order, Complaint, the Class Certification Order, a list of the Cooperatives Working Together Members and their local stores, answers to frequently asked questions and any other information that the Court may require. The website will also include information on how potential Class Members can object to the Settlement, if they chose. The website address will be prominently displayed in all printed notice documents.

Toll-free Telephone Number and Postal Mailing Address

25. The existing toll-free number (1-855-804-8574), which was established as part of the Class Certification notice effort, will be updated with information regarding the Settlement. Callers will hear an introductory message. Callers will then have the option to continue to get information about the lawsuit in the form of recorded answers to frequently asked questions. Callers have an option to request a Detailed Notice by mail. This automated phone system will continue to be available 24 hours per day, 7 days per week.

26. The existing post office box and email address, which were established as part of the Class Certification notice effort, will continue to be available to allow Class Members to request additional information or ask questions via these channels.

PERFORMANCE OF THE PROPOSED NOTICE PROGRAM

Reach

27. Many courts have accepted and understood that a 75 or 80 percent reach is more than adequate in a class action notice effort. In 2010, the Federal Judicial Center issued a Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide. This Guide states that, "the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%. Here the individual notice will reach approximately 85% of identifiable Class Members. To supplement this effort, targeted media will be purchased that focuses on the universe of potential Class Members for whom individual notice may not be available. These efforts reinforce the fact that the Notice Plan is targeted and designed to actually reach persons who may be Class Members.

PLAIN LANGUAGE NOTICE DESIGN

28. The proposed Notices themselves are designed to be “noticed,” reviewed, and—by presenting the information in plain language—understood by Class Members. The design of the Notices follows the principles embodied in the Federal Judicial Center’s illustrative “model” notices posted at www.fjc.gov. Many courts, and as previously cited, the FJC itself, have approved notices that we have written and designed in a similar fashion. The proposed Notices contain substantial, albeit easy-to-read, summaries of all of the key information about Class Members’ rights and options. Consistent with our normal practice, all notice documents will undergo a final edit prior to actual mailing and publication for grammatical errors and accuracy.

29. The proposed Notices are designed to increase noticeability and comprehension. Because mailing recipients are accustomed to receiving junk mail that they may be inclined to discard unread, the Notice Program calls for steps to bring the mailed Notice to the attention of Class Members. Once people “notice” the Notices, it is critical that they can understand them. As such, the proposed Notices, are clearly worded with an emphasis on simple, plain language to encourage readership and comprehension.

30. The proposed notices feature a prominent headline designed to garner attention from readers who may be members of the Class. For the proposed Detailed Notice, Email Notice and Trade Publication Notice, the headline is focused on business purchasers (“**If you bought butter or cheese directly from a National Milk Producers Federation Cooperatives Working Together Program Member between December 6, 2008 and July 31, 2013, you could receive a payment from a \$220 million settlement.**”) in bold text. The proposed Local Newspaper Notice features a modified

headline addressed to Class Members who are consumer purchasers (“**If you bought butter or cheese directly from a local dairy co-op store between December 6, 2008 and July 31, 2013, you could receive a payment from a class action settlement.**”) These headlines will alert recipients and readers that the Notice is an important document authorized by a court and that the content may affect them, thereby supplying reasons to read the Notice.

31. The proposed Detailed Notice provides substantial information to Class Members. The proposed Detailed Notice begins with a summary page providing a concise overview of the important information and a table highlighting key options available to Class Members. A table of contents, categorized into logical sections, helps to organize the information, while a question and answer format makes it easy to find answers to common questions by breaking the information into simple headings.

CONCLUSION

32. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice program be designed to reach the greatest practicable number of potential Class Members. These requirements will be met in this case.

33. Our notice effort will follow the guidance for how to satisfy due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which are: a) to endeavor to actually inform the class, and b) to demonstrate that notice is reasonably calculated to do so:

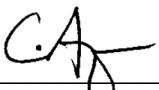
- A. “But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950).
- B. “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) citing *Mullane* at 314.

34. The Notice Program will provide the best notice practicable under the circumstances of this case, conform to all aspects of Federal Rules of Civil Procedure Rule 23, and comport with the guidance for effective notice articulated in the Manual for Complex Litigation 4th Ed.

35. As reported above, the individual notice portion of the Notice Plan will reach approximately 85% of the identified Class. This will be augmented by print and trade media and local media efforts in areas where Defendants sold directly to consumers. The Plan will deliver “noticeable” Notices to capture Class Members’ attention, and provide them with information necessary to understand their rights and options.

36. The Notice Plan schedule will afford enough time to provide full and proper notice to Class Members before the objection deadline.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 3, 2019.



Cameron R. Azari, Esq.

Attachment 1

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

**If you bought butter or cheese directly from
a National Milk Producers Federation Cooperatives
Working Together Program Member between December
6, 2008 and July 31, 2013, you could receive a payment
from a \$220 million settlement.**

A court authorized this notice. This is not a solicitation.

- A \$220 million settlement has been reached in a class action lawsuit brought against National Milk Producers Federation, Agri-Mark, Inc., Dairy Farmers of America, Inc., and Land O'Lakes, Inc. (collectively "Defendants"). The lawsuit claimed that an effort known as Cooperatives Working Together (CWT) operated a Herd Retirement Program that was a conspiracy to reduce milk output that violated the law. The Defendants deny doing anything wrong. The Court has not decided who is right.
- On September 29, 2017, the Court decided that the "Class" was comprised of businesses and individual consumers in the United States that purchased butter and/or cheese directly from one or more of the CWT members including the Defendants, during the period from December 6, 2008 to July 31, 2013. A notice was subsequently issued, as ordered by the Court, in which affected businesses and individual purchasers were required to submit a request for exclusion by July 30, 2018 if they did not want to stay in the Class. You cannot request exclusion from the Class at this time.
- To be a Class Member who could be eligible for a payment, you must have purchased butter or cheese made by a CWT Member. If you are a consumer, you must have purchased butter or cheese made by a CWT Member at one of the dairy co-op stores. A list of the CWT Members along with their store names and locations is provided on pages 2 and 3.
- If you are a Class Member and do not like the settlement or any part of it including the proposed attorneys' fees, you may do nothing or you may write to the Court and/or request to speak at a hearing by **Month DD, 2020**.
- If the Court approves the settlement and after any resulting appeals are resolved, the Court will approve a Claim Form and set a deadline for Class Members to submit claims. In order to receive a payment, you must submit a Claim Form.
- If you received this notice in the mail, a Claim Form will be sent to you automatically and you do not need to do anything at this time to be eligible to receive a payment from the settlement.
- If you *did not* receive this Notice in the mail, and you think you are a potential Class Member, please identify yourself or your company to the Settlement Administrator as a potential Class Member by letter to the following address: Butter and Cheese Class Action, PO Box 4290, Portland, OR 97208-4290, email to: info@butterandcheeseaction.com, or register on the website, so you can obtain a Claim Form, once it is available by going to www.ButterandCheeseClassAction.com to register to be mailed a Claim Form. You will then be mailed a Claim Form after the Court approves the Claim Form and sets a deadline for Class Members to submit claims. At that time, the Claim Form will also be posted on the website.
- Your rights and options are explained in this notice.

YOUR RIGHTS AND OPTIONS	
DO NOTHING	If you received this Notice in the mail, you do not need to do anything at this time to be eligible to receive a payment. Once the Court has approved the Claim Form and set a deadline for Class Members to submit claims, you will be mailed a Claim Form automatically.
REGISTER FOR A CLAIM FORM	If you <i>did not</i> receive this Notice in the mail, and you think you are a potential Class Member, please identify yourself or your company to the Settlement Administrator as a potential Class Member by letter to the following address: Butter and Cheese Class Action PO Box 4290, Portland, OR 97208-4290, email to: info@butterandcheeseaction.com , or register on the website, so you can obtain a Claim Form once it is available. After the Court approves the Claim Form, a Claim Form will be mailed to you.
OBJECT	Write to the Court about why you do not like the Settlement or any part of it including the proposed attorneys' fees by Month DD, 2020 .
GO TO A HEARING	Write to the Court to ask to speak about the Settlement by Month DD, 2020 .

CWT Members

Agri-Mark, Inc.
 Arkansas Dairy Cooperative Association
 Associated Milk Producers Inc.
 Bongards Creameries
 Burke Milk Producers Cooperative, Inc.
 California Dairies Inc.
 Cass-Clay Creamery Inc.
 Champlain Milk Producers Cooperative
 Conesus Milk Producers Cooperative
 Association, Inc.
 Continental Dairy Products, Inc.
 Cooperative Milk Producers Association, Inc.
 Cortland Bulk Milk Producers Cooperative
 Dairy Farmers of America
 Dairylea Cooperative Inc.
 Dairymen's Marketing Cooperative Inc.
 Ellsworth Cooperative Creamery
 Empire Keystone Cooperative
 Farmers Cooperative Creamery
 First District Cooperative Association
 Foremost Farms USA
 Humboldt Creamery Association
 Jefferson Bulk Milk Cooperative, Inc.
 Just Jersey Cooperative, Inc.
 Land O'Lakes, Inc.
 Lone Star Milk Producers
 Lowville Producers Dairy Cooperative
 Magic Valley Quality Milk Producers, Inc.
 Manitowoc Milk Producers Cooperative

Maryland & Virginia Milk Producers Cooperative
 Association
 Massachusetts Coop. Milk Producers Fed. Inc.
 Michigan Milk Producers Association
 Mid-West Dairyman's Co.
 Mount Joy Farmers Cooperative Association
 National Farmers Organization
 North Lawrence Producers Cooperative, Inc.
 Northwest Dairy Association (Darigold)
 Oneida-Madison Milk Producers Cooperative
 Prairie Farms Dairy
 Preble Cooperative, River Valley Milk Producers Inc.
 Schoharie County Cooperative Dairies
 Seaway Bulk Milk Producers Cooperative, Inc.
 Security Milk Producers Association
 Select Milk Producers, Inc.
 Snake River Dairyman's Association
 South New Berlin Milk Cooperative, Inc.
 Southeast Milk, Inc.
 St. Albans Cooperative Creamery, Inc.
 Swiss Valley Farms, Co.
 Tillamook County Creamery Association
 United Dairy Cooperative Services, Inc.
 United Dairyman of Arizona
 Upstate Niagara Cooperative, Inc.
 Utah Dairy Farmers Cooperative
 Western Tier Milk Producers Cooperative
 Zia Milk Producers Inc.

QUESTIONS? CALL 1-855-804-8574 OR VISIT WWW.BUTTERANDCHEESECLASSACTION.COM

CWT MEMBER STORES

Store Name	City, State
Foremost Farms USA Cheese Stores	Appleton, WI
Foremost Farms USA Cheese Stores	Chilton, WI
Foremost Farms USA Cheese Stores	Clayton, WI
Foremost Farms USA Cheese Stores	Lancaster, WI
Foremost Farms USA Cheese Stores	Marshfield, WI
Foremost Farms USA Cheese Stores	Preston, MN
Foremost Farms USA Cheese Stores	Reedsburg, WI
Foremost Farms USA Cheese Stores	Richland Center, WI
Bongards Retail Store	Bongards, MN
Perham Retail Store	Perham, MN
Cortland Bulk Milk Producers Cooperative - CBM Cheese Shop, LLC, "The Cheese Shop"	Cortland, NY
Ellsworth Cooperative Creamery	Comstock, WI
Ellsworth Cooperative Creamery	Ellsworth, WI
Jefferson Bulk Milk Cooperative - Jeff Bulk Cheese Store, Inc. "The Cheese Store"	Watertown, NY
Lowville Producers Dairy CO-OP, Inc. - Lowville Producers Cheese Store	Lowville, NY
Oneida-Madison Milk Producers Cooperative	Sherrill, NY
St. Albans Cooperative Creamery, Inc. - St. Albans Coop Store	St. Albans City, VT
Cabot Farmers' Store	Waterbury Center, VT
Cabot Quechee Store	Quechee, VT
The Cheese Cave	Faribault, MN
Shullsburg Creamery	Shullsburg, WI
Milk 'n More Store	Tempe, AZ
Tillamook County Creamery Association	Tillamook, OR
Associated Milk Producers Inc.	Arlington, IA
Associated Milk Producers Inc.	Blair, WI
Associated Milk Producers Inc.	Freeman, SD
Associated Milk Producers Inc.	Hoven, SD
Associated Milk Producers Inc.	Jim Falls, WI
Associated Milk Producers Inc.	New Ulm, MN
Associated Milk Producers Inc.	Paynesville, MN
Associated Milk Producers Inc.	Portage, WI
Associated Milk Producers Inc.	Rochester, MN
Associated Milk Producers Inc.	Sanborn, IA

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BASIC INFORMATION

1. WHY WAS THIS NOTICE ISSUED?

A Court has established, or “certified,” this case as a class action lawsuit. This Notice is to inform you that a \$220 million settlement has been reached. If you are a Class Member, you have legal rights and options before the Court decides whether to give final approval to the settlement. This Notice explains all of these things.

Judge Nancy J. Rosenstengel, of the United States District Court for the Southern District of Illinois (the “Court”), is currently overseeing this case. The case is known as *First Impressions Salon, Inc., et al. v. National Milk Producers Federation, et al.*, Case No. 3:13-CV-00454-NJR-SCW. The people who sued are called the Plaintiffs. The companies they sued, Agri-Mark, Inc., Dairy Farmers of America, Inc., Land O’Lakes, Inc., and National Milk Producers Federation are called the Defendants.

2. WHAT IS A CLASS ACTION?

In a class action, one or more people called “Named Plaintiffs” (in this case, First Impressions Salon, Inc., Roy Mattson, Piggly Wiggly Midwest, LLC, and KPH Healthcare Services d/b/a Kinney Drugs, Inc.) sue on behalf of people who have similar claims. All these people are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who previously excluded themselves from the Class.

3. WHAT IS THIS LAWSUIT ABOUT?

In the *Third Amended Consolidated Class Action Complaint* (the “*Complaint*”) (available at the website), Plaintiffs claim that from December 6, 2008 through July 31, 2013, Defendants violated the Sherman Act, 15 U.S.C. §1, and conspired and combined to limit the production of raw farm milk through premature “herd retirements” that required dairy farmers who participated in a herd retirement to remove all of the milking cows in their herds and, beginning on April 1, 2009, forego a 10% incentive payment if they wished to reenter the dairy farming business within one year. The *Complaint* alleges that the principal purpose and effect of this contract, combination and conspiracy has been to eliminate competition, significantly reduce the number of dairy farmers competing in the market and produce both short-term and long-term increases in the prices of butter and cheese. Defendants deny these claims.

4. WHY IS THERE A SETTLEMENT?

The Court has not decided in favor of the Plaintiffs or Defendants. Instead, both sides have agreed to the Settlement. By agreeing to a settlement, the parties avoid the costs and uncertainty of a trial, and if the settlement is approved by the Court, Class Members will be eligible to receive a payment from this settlement. The settlement does not mean that any law was broken or that the Defendants did anything wrong. The Defendants deny all legal claims in this case. Plaintiffs and their lawyers think the settlement is best for everyone who is affected.

WHO IS INCLUDED IN THE SETTLEMENT

5. HOW DO I KNOW IF I AM PART OF THIS?

On September 29, 2017, the Court decided that everyone who fits the following description is a Class Member:

(1) All persons and entities in the United States that purchased butter directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013 who did not timely opt-out of the Class pursuant to the Class Notice approved by the Court in its order dated May 8, 2018 and transmitted to the Class on May 31, 2018 (hereinafter referred to as “Butter Sub-Class”); and

(2) All persons and entities in the United States that purchased cheese directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013 who did not timely opt-out of the Class pursuant to the Class Notice approved by the Court in its order dated May 8, 2018 and transmitted to the Class on May 31, 2018 (hereinafter referred to as “Cheese Sub-Class”).

A notice was subsequently issued as ordered by the Court in which affected businesses and individual purchasers were required to submit a request for exclusion by July 30, 2018 if they did not want to stay in the Class.

6. CAN I REQUEST TO BE EXCLUDED FROM THE CLASS?

The Court decided that the deadline to request exclusion from the Class was July 30, 2018. Since that deadline has now passed, you cannot request exclusion from the Class at this time.

7. WHO ARE THE “MEMBERS” OF COOPERATIVES WORKING TOGETHER (CWT)?

The “Members” are the CWT producers listed on page 2.

8. HOW CAN I BE SURE I BOUGHT BUTTER OR CHEESE FROM A CWT MEMBER?

In order to be a Class Member, you must have bought butter and/or cheese directly from one of the CWT members listed on page 2.

9. IF I BOUGHT BUTTER OR CHEESE JUST FOR MYSELF COULD I BE A CLASS MEMBER?

Yes. Though most Class Members are larger entities, some butter and cheese products were sold at CWT co-op stores directly to individual consumers. A list of CWT Member stores and their locations is provided on page 3.

10. I'M STILL NOT SURE IF I AM INCLUDED IN THE CLASS.

If you are still not sure whether you are included in the Class, you can visit the website www.ButterandCheeseClassAction.com, call toll free 1-855-804-8574, or write to Butter and Cheese Class Action Administrator, P.O. Box 4290, Portland, OR 97208-4290, for more information.

THE SETTLEMENT BENEFITS

11. WHAT DOES THE SETTLEMENT PROVIDE?

As part of the settlement, the National Milk Producers Federation will deposit \$220 million into a Settlement Fund. These monies will be deposited in installments over approximately the next four years as described in detail in the Settlement Agreement which is posted on the website.

The settlement provides that payments to Class Members will be allocated as follows:

- 37% to the Butter Sub-Class, and
- 63% to the Cheese Sub-Class.

Payments to Class Members will be comprised of the \$220 million plus applicable accrued interest, minus the following: attorneys' fees and expenses, payments to the Named Plaintiffs, notice costs, administration costs, and taxes. For more information on attorneys' fees and payments to the Named Plaintiffs, *see* "The Lawyers Representing the Class," below.

12. HOW CAN I GET A PAYMENT FROM THE SETTLEMENT?

If the Court approves the settlement (*see* "The Court's Fairness Hearing" below) and any resulting appeals are resolved, the Court will approve a Plan of Distribution including a Claim Form and a deadline for Class Members to submit claims. In order to get a payment from the settlement, you must submit a Claim Form.

To be a Class Member who could be eligible for a payment, you must have purchased butter or cheese made by a CWT member. If you are a consumer, you must have purchased butter or cheese made by a CWT Member at one of the dairy co-op stores. The list of CWT Members along with their store names and locations is provided on pages 2 and 3.

If you received this notice in the mail, a Claim Form will be sent to you automatically and you do not need to do anything at this time to be eligible to receive a payment from the settlement in the future.

If you did not receive this notice in the mail, and you think you are a potential Class Member, please identify yourself or your company to the Settlement Administrator as a potential Class Member by letter to the following address: Butter and Cheese Class Action, PO Box 4290, Portland, OR 97208-4290, email to: info@butterandcheeseaction.com, or register on the website, so you can obtain a Claim Form once it is available. You will then be mailed a Claim Form once the Court has approved the Plan of Distribution. The Claim Form will also be posted on the website at that time.

THE LAWYERS REPRESENTING THE CLASS

13. DO I HAVE A LAWYER IN THIS CASE?

The Court appointed as Co-Lead Class Counsel: Don Barrett of Barrett Law Group, Lexington, Mississippi, Dianne M. Nast of NastLaw LLC, Philadelphia, Pennsylvania and Michael L. Roberts of Roberts Law Firm, P.A., Little Rock, Arkansas to represent you. You do not have to pay Class Counsel out of your own pocket. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

14. HOW WILL THE LAWYERS BE PAID?

The Court will be asked to approve attorneys' fees of up to 33.33% of the \$220 million Settlement Fund plus interest and reimbursement of the attorneys' expenses. The Court will also be asked to approve payments to the Named Plaintiffs for their service on behalf of the entire Class. These payments to Class Counsel and the Named Plaintiffs will be made from the Settlement Fund.

OBJECTING TO THE SETTLEMENT**15. HOW DO I OBJECT TO THE SETTLEMENT?**

If you are a Class Member, you can object to any part of the settlement including the request for attorneys' fees and expenses and payments to the Named Plaintiffs.

To object to the Settlement, you must send a letter with the following information:

- Your name and address and the name and address of your attorney, if you have hired one.
- Case name and number:
First Impressions Salon, Inc., et al. v. National Milk Producers Federation, et al.
Case No. 3:13-CV-00454-NJR-SCW
- The specific reasons why you object to the settlement or any part of it.
- All documents or writings that you want the Court to consider.

You must mail your objection to the following addresses postmarked by **[Insert Date]**:

CLERK OF THE COURT	CO-LEAD CLASS COUNSEL	NATIONAL MILK'S COUNSEL
Clerk, U.S. District Court Southern District of Illinois 750 Missouri Avenue East St. Louis, IL 62201	Michael L. Roberts Roberts Law Firm 20 Rahling Circle Little Rock, AR 72223	Jonathan B. Sallet Steptoe & Johnson, LLP 1330 Connecticut Ave NW Washington, DC 20036

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses ("Fairness Hearing").

16. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court has scheduled a Fairness Hearing on **[Insert Date and Time]**, at the United States District Court Southern District of Illinois, Courtroom 3, 750 Missouri Avenue East St. Louis, IL 62201. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.ButterandCheeseClassAction.com, for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court may also consider the requests by Class Counsel for attorneys' fees and expenses and for payments to the Named Plaintiffs. If there are objections, the Court will consider them at that time.

QUESTIONS? CALL 1-855-804-8574 OR VISIT WWW.BUTTERANDCHEESECLASSACTION.COM

After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

Any judgment issued by the Court will be binding on the Class. The Settlement, if approved by the Court and once any appeals are resolved, will release all claims in the class action. The specific release of claims is provided in the Settlement Agreement, which can be found on the website.

17. DO I HAVE TO ATTEND THE HEARING?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper addresses, and it complies with the other requirements provided above, the Court will consider it. You also may pay your own lawyer to attend the hearing, but this is not necessary.

18. MAY I SPEAK AT THE HEARING?

If you have properly submitted an objection (*see* “Objecting to the Settlement, above), you may ask the Court for permission to speak at the Final Approval Hearing about the reasons you do not like the settlement or any part of it.

Any Class Member who wishes to appear at the Final Approval Hearing must file with the Clerk of the Court a “Notice of Intention to Appear,” which must be received by **[Insert Date]** with copies sent to the counsel addresses listed in Question 15 above.

GETTING MORE INFORMATION

19. HOW DO I GET MORE INFORMATION?

Visit the website at www.ButterandCheeseClassAction.com, where you will find the Settlement Agreement, Preliminary Approval Order, Memorandum and Order certifying the Class, the *Complaint*, and the Defendant’s Joint Answer to Plaintiffs’ Third Amended Consolidated Class Action Complaint. You may also call toll-free at 1-855-804-8574 or write to Butter and Cheese Class Action Administrator, P.O. Box 4290, Portland, OR 97208-4290 or send an email to info@ButterandCheeseClassAction.com.

Attachment 2

Email Notice

If you bought butter or cheese directly from a National Milk Producers Federation Cooperatives Working Together Program Member between December 6, 2008 and July 31, 2013, you could receive a payment from a \$220 million settlement.

A court authorized this notice. This is not a solicitation.

What is the lawsuit about?

A \$220 million settlement has been reached in a class action lawsuit brought against National Milk Producers Federation, Agri-Mark, Inc., Dairy Farmers of America, Inc., and Land O'Lakes, Inc. (collectively "Defendants"). The lawsuit claimed that an effort known as Cooperatives Working Together (CWT) operated a Herd Retirement Program that was a conspiracy to reduce milk output that violated the law. The Defendants deny doing anything wrong. The Court has not decided who is right.

You are receiving this email because you may be a Class Member.

On September 29, 2017, the Court decided that the "Class" was comprised of businesses and individual consumers in the United States that purchased butter and/or cheese directly from one or more of the CWT members including the Defendants, during the period from December 6, 2008 to July 31, 2013. A notice was subsequently issued, as ordered by the Court, in which affected businesses and individual purchasers were required to submit a request for exclusion by July 30, 2018 if they did not want to stay in the Class. You cannot request exclusion from the Class at this time.

To be a Class Member who could be eligible for a payment, you must have purchased butter or cheese made by a CWT Member. If you are a consumer, you must have purchased butter or cheese made by a CWT Member at one of the dairy co-op stores. Go to www.ButterandCheeseClassAction.com for a list of the CWT Members along with their store names and locations.

What does the settlement provide?

As part of the settlement, the National Milk Producers Federation will deposit \$220 million into a Settlement Fund. These monies will be deposited in installments over approximately the next four years as described in detail in the Settlement Agreement, which is posted on the [website](#).

The settlement provides that payments to Class Members will be allocated as follows:

- 37% to the Butter Sub-Class, and
- 63% to the Cheese Sub-Class.

Payments to Class Members will be comprised of the \$220 million plus interest, minus the following: attorneys' fees and expenses, payments to the Named Plaintiffs, notice costs, administration costs, and taxes.

How can I get a payment from the Settlement?

If the Court approves the settlement, and any resulting appeals are resolved, the Court will approve a Plan of Distribution including a Claim Form and a deadline for Class Members to submit claims. In order to get a payment from the settlement, you must submit a Claim Form. A Claim Form will be sent to you automatically and you do not need to do anything at this time to be eligible to receive a payment from the settlement in the future. Once the Court has approved the Plan of Distribution, the Claim Form will also be posted on the [website](#) at that time.

What are your options? If you are a Class Member, you do not need to do anything at this time to be eligible to receive a payment. Once the Court has approved the Claim Form, a deadline will be set for Class Members to submit claims. As a Class Member, you will be bound by all orders and judgments of the Court. Unless you want to object to the settlement, **YOU DO NOT HAVE TO DO ANYTHING NOW.**

If you are a Class Member, you can object to any part of the settlement including the request for attorneys' fees and expenses and payments to the Named Plaintiffs. Instructions for objecting can be found at the [website](#) or by calling the toll-free number below. You must mail your objection postmarked by **Month DD, 2020**.

The Court will hold a Fairness Hearing on **Month DD, 2020**, to decide whether to approve the Settlement and any requests for fees and expenses. The Court will be asked to approve attorneys' fees of up to 33.33% of the \$220 million Settlement Fund plus interest and reimbursement of the attorneys' expenses. The Court will also be asked to approve payments to the Named Plaintiffs for their service on behalf of the entire Class. These payments to Class Counsel and the Named Plaintiffs will be made from the Settlement Fund. If there are objections, the Court will consider them at the hearing. You do not need to attend the hearing. If you wish to appear at the hearing, you must file a "Notice of Intention to Appear" with the Court and you may hire your own attorney to appear in Court for you at your own expense. Detailed information is available at the [website](#) and by calling 1-855-804-8574.

Attachment 3

If you bought butter or cheese directly from a National Milk Producers Federation Cooperatives Working Together Program Member between December 6, 2008 and July 31, 2013, you could receive a payment from a \$220 million settlement.

What is the lawsuit about? A \$220 million settlement has been reached in a class action lawsuit brought against National Milk Producers Federation, Agri-Mark, Inc., Dairy Farmers of America, Inc., and Land O'Lakes, Inc. (collectively "Defendants"). The lawsuit claimed that an effort known as Cooperatives Working Together (CWT) operated a Herd Retirement Program that was a conspiracy to reduce milk output that violated the law. The Defendants deny doing anything wrong. The Court has not decided who is right.

Who is included? The Court decided that the Class includes all persons and entities in the United States that purchased butter and/or cheese directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013 who did not timely opt-out of the Class. Those that are included are called "Class Members." To be a Class Member who could be eligible for a payment, you must have purchased butter or cheese made by a CWT Member. If you are a consumer, you must have purchased butter or cheese made by a CWT Member at one of the dairy co-op stores. Go to the website for a list of CWT Members along with their store names and locations.

What does the settlement provide? The settlement provides that payments to Class Members will be allocated: 37% to the Butter Sub-Class, and 63% to the Cheese Sub-Class. Total payments will be \$220 million plus interest, minus: attorneys' fees and expenses; payments to the Named Plaintiffs; notice and administration costs; and taxes.

What are your options? If you are a Class Member who received emailed or mailed Notice, you do not need to do anything at this time to be eligible to receive a payment. Once the Court has approved the Claim Form, a deadline will be set for Class Members to submit claims. If you received a Notice in the mail, you will be mailed a Claim Form automatically.

If you *did not* receive a Notice in the mail, and you think you are a potential Class Member, please identify yourself or your company to the Settlement Administrator as a potential Class Member by letter to the following address: Butter and Cheese Class Action PO Box 4290, Portland, OR 97208-4290, email to: info@butterandcheeseaction.com, or register on the website, so you can obtain a Claim Form, once it is available. As a Class Member, you will be bound by all orders and judgments of the Court. Unless you want to object to the settlement, **YOU DO NOT HAVE TO DO ANYTHING NOW.**

Instructions for objecting can be found at the website or by calling the toll-free number below. You must mail your objection postmarked by **Month DD, 2020**. The Court will hold a Fairness Hearing on **Month DD, 2020**, to decide whether to approve the Settlement and any requests for fees and expenses. If there are objections, the Court will consider them at the hearing. You do not need to attend the hearing. If you wish to appear at the hearing, you must file a "Notice of Intention to Appear" with the Court and you may hire your own attorney to appear in Court for you at your own expense. Detailed information is available at the website and toll-free number listed below.

www.ButterandCheeseClassAction.com

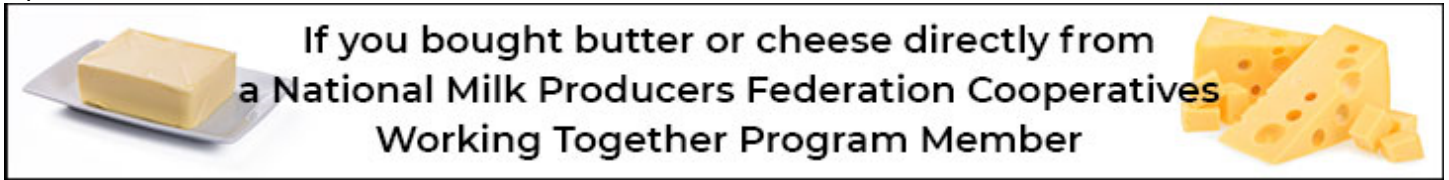
1-855-804-8574

Attachment 4

Trade Publication Banner Advertisement

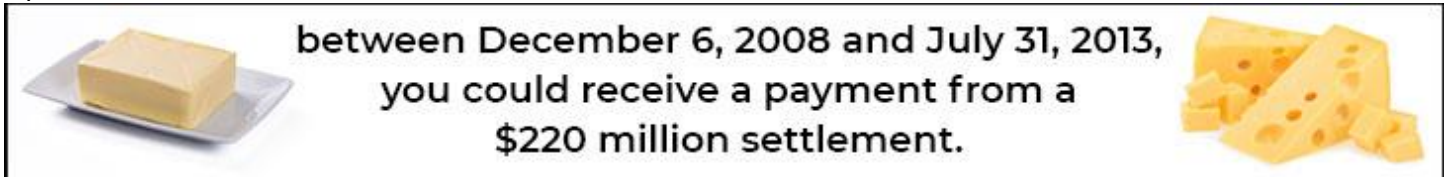
300x250 & 728x90 Display Banners –

Option 1, Frame 1: Visible for 5.5 seconds.

A horizontal banner advertisement. On the left is a small image of a butter stick on a silver tray. On the right is a small image of several pieces of Swiss cheese. The background is white. The text is centered in a black sans-serif font.

**If you bought butter or cheese directly from
a National Milk Producers Federation Cooperatives
Working Together Program Member**

Option 1, Frame 2: Visible for 5.5 seconds.

A horizontal banner advertisement. On the left is a small image of a butter stick on a silver tray. On the right is a small image of several pieces of Swiss cheese. The background is white. The text is centered in a black sans-serif font.

**between December 6, 2008 and July 31, 2013,
you could receive a payment from a
\$220 million settlement.**

Option 1, Frame 3: Visible for 4 seconds.

A horizontal banner advertisement. On the left is a small image of a butter stick on a silver tray. On the right is a small image of several pieces of Swiss cheese. The background is white. The text is centered in a black sans-serif font.

**Click here for more information.
www.ButterandCheeseClassAction.com**

Option 2, Frame 1: Visible for 5.5 seconds.

A square banner advertisement. The background is a dark, textured surface with various types of cheese (Swiss, Brie, etc.) scattered on it. The text is centered in a white sans-serif font.

**If you bought butter or
cheese directly from
a National Milk Producers
Federation Cooperatives
Working Together
Program Member**

Option 2, Frame 2: Visible for 5.5 seconds.

A square banner advertisement. The background is a dark, textured surface with various types of cheese (Swiss, Brie, etc.) scattered on it. The text is centered in a white sans-serif font.

**between December 6,
2008 and July 31, 2013,
you could receive a
payment from a
\$220 million settlement.**

Option 3, Frame 1: Visible for 4 seconds.

A square banner advertisement. The background is a dark, textured surface with various types of cheese (Swiss, Brie, etc.) scattered on it. The text is centered in a white sans-serif font.

**Click here for more
information.
[www.ButterandCheese
ClassAction.com](http://www.ButterandCheeseClassAction.com)**

Attachment 5

If you bought butter or cheese directly from a local dairy co-op store between December 6, 2008 and July 31, 2013, you could receive a payment from a class action settlement.

What is the lawsuit about? A \$220 million settlement has been reached in a class action lawsuit brought against National Milk Producers Federation, Agri-Mark, Inc., Dairy Farmers of America, Inc., and Land O'Lakes, Inc. (collectively "Defendants"). The lawsuit claimed that an effort known as Cooperatives Working Together (CWT) operated a Herd Retirement Program that was a conspiracy to reduce milk output that violated the law. The Defendants deny doing anything wrong. The Court has not decided who is right.

Who is included? The Court decided that the Class includes all persons and entities in the United States that purchased butter and/or cheese directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013 who did not timely opt-out of the Class. Those that are included are called "Class Members." To be a Class Member who could be eligible for a payment, you must have purchased butter or cheese made by a CWT Member. If you are a consumer, you must have purchased butter or cheese made by a CWT Member at one of the dairy co-op stores. Go to the website for a list of CWT Members along with their store names and locations.

What does the settlement provide? The settlement provides that payments to Class Members will be allocated: 37% to the Butter Sub-Class, and 63% to the Cheese Sub-Class. Total payments will be \$220 million plus interest, minus: attorneys' fees and expenses; payments to the Named Plaintiffs; notice and administration costs; and taxes.

What are your options? If you are a Class Member who received emailed or mailed Notice, you do not need to do anything at this time to be eligible to receive a payment. Once the Court has approved the Claim Form, a deadline will be set for Class Members to submit claims. If you received a Notice in the mail, you will be mailed a Claim Form automatically.

If you *did not* receive a Notice in the mail, and you think you are a potential Class Member, please identify yourself or your company to the Settlement Administrator as a potential Class Member by letter to the following address: Butter and Cheese Class Action PO Box 4290, Portland, OR 97208-4290, email to: info@butterandcheeseaction.com, or register on the website, so you can obtain a Claim Form, once it is available. As a Class Member, you will be bound by all orders and judgments of the Court. Unless you want to object to the settlement, **YOU DO NOT HAVE TO DO ANYTHING NOW.**

Instructions for objecting can be found at the website or by calling the toll-free number below. You must mail your objection postmarked by **Month DD, 2020**. The Court will hold a Fairness Hearing on **Month DD, 2020**, to decide whether to approve the Settlement and any requests for fees and expenses. If there are objections, the Court will consider them at the hearing. You do not need to attend the hearing. If you wish to appear at the hearing, you must file a "Notice of Intention to Appear" with the Court and you may hire your own attorney to appear in Court for you at your own expense. Detailed information is available at the website and toll-free number listed below.

www.ButterandCheeseClassAction.com

1-855-804-8574